UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK
- X

In re:

NATALIE FATIGATE,

Debtor.

Chapter 13

Case No.: 16-35182 (CGM)

- X

AMENDED ORDER IMPOSING SANCTIONS ON SHELLPOINT
FOR FAILURE TO COMPLY WITH LOSS MITIGATION PROCEDURES

NATALIE FATIGATE, the above captioned debtor (the "Debtor") filed for relief under Chapter 13 of the Bankruptcy Code on February 4, 2016. The Debtor owns a home at 8 Ricky Court, Hopewell Junction, New York 12533 (the "Home"), which is encumbered by a mortgage held by **SHELLPOINT MORTGAGE SERVICING** ("Shellpoint"). The Debtor requested Loss Mitigation with respect to the Home in her Chapter 13 plan and on March 18, 2016, the Court entered a Loss Mitigation Order (ECF # 23) (the "LMO"). Under the LMO, the initial status conference was scheduled for June 14, 2016. The LMO was served on Shellpoint's officer at its Post Office Box. Shellpoint did not respond. Thereafter, on May 23, 2016, the Court entered an Order to Show Cause requiring counsel for the Debtor to appear because service was not effectuated at an office address. In response, on May 25, 2016, counsel re-served the LMO upon a Shellpoint officer at its office Address and filed an affirmation of service reflecting same (ECF # 34). On June 14, 2016, counsel for the Debtor appeared at an initial status conference. Thereafter, on June 15, 2016, counsel served Shellpoint with further notice of the LMO (ECF # 34). On July 8, 2016, the Druckman Law Group PLLC ("Druckman") filed a Creditor Loss Mitigation Affidavit on behalf of Shellpoint (ECF # 39). Shellpoint failed to appear at the Loss Mitigation Status Conference on July 12, 2016.

Based upon the failure of Shellpoint to appear and comply with the duties imposed in the LMO and the Loss Mitigation Procedures promulgated by the Court, it is hereby

ORDERED, that Shellpoint is sanctioned in the amount of $50.00 per day commencing from the date hereof until such time as it complies with the mandates of the LMO; and it is further

ORDERED, that the foregoing sanctions shall be made payable to the Debtor.
and it is further

ORDERED that, Shellpoint's failure to comply with this Order may subject it to additional sanctions; and it is further

ORDERED that the Debtor shall cause a copy of this Order to be served by regular mail and electronic mail on Shellpoint upon an officer and Druckman at the addresses set forth on the Court docket within 3 days of its entry.

/s/ Cecelia G. Morris

Dated: August 3, 2016
Poughkeepsie, New York

Hon. Cecelia G. Morris
Chief U.S. Bankruptcy Judge